

CODE OF ETHICS ON THE INTERNATIONAL TRADE IN CHEMICALS

**UNITED NATIONS ENVIRONMENT PROGRAMME
NAIROBI, 1994**

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CODE OF ETHICS ON THE INTERNATIONAL TRADE IN CHEMICALS

INTRODUCTION TO THE CODE

1. The code is general in nature and addressed industry and other private sector parties in all countries with the aim of setting out the principles and guidance, governing standards of conduct for the promotion of environmentally sound management of chemicals in international trade. The standards of conduct set out in the principles and guidance covers such activities as production and management of chemicals in international trade, taking into account their entire life cycle.
2. The code is developed in response to decision 16/35 of the Governing Council of the United Nations Environment Programme (UNEP) of May 1991 entitled "Toxic chemicals", and to Agenda 21, in particular its chapter 19 on environmentally sound management of toxic chemicals which was adopted by the United Nations Conference on Environment and Development at Rio de Janeiro in June 1992 and endorsed by resolution 47/190 of the United Nations General Assembly in December 1992.
3. The code is a complement to the amended London Guidelines for the Exchange of Information on Chemicals in International Trade¹ which address Governments and the scope of the code is broader than that of the amended London Guidelines. By the implementation of this code, the private sector parties are expected to enter into voluntary commitment to help achieve the objectives of the amended London Guidelines, i.e., to increase chemical safety and to enhance the sound management of chemicals in all countries through the exchange of information on chemicals in international trade.
4. Some of the subjects addressed in the code apply not only to chemicals in international trade but are generally applicable to all chemicals whether exported or retained for domestic use. This is consistent with the idea that there should not be a double standard vis a vis exported and domestically marketed chemicals with respect to health, safety and the environment. In this regard, several provisions in this code address chemicals in domestic and international trade.
5. The principles and guidance set out in the code apply globally and have been developed to permit flexible application taking into account local conditions in countries. There is a need to take full account of the special situation in developing countries in order to achieve the highest possible level of human health and environmental protection in all countries.
6. The code provides for procedures to monitor voluntary compliance by the parties concerned with the standards of conduct set out in the principles and guidance.
7. Subjects which are relevant to the management of chemicals for health and environmental reasons, but which do not relate to chemicals in international trade, have not been addressed in the code.²
8. The code is developed fully taking into account the work already done by private sector parties, in particular voluntary initiatives and programmes by industry. It is designed to be compatible with those

¹ The amended London Guidelines were adopted by the fifteenth session of the Governing Council of the United Nations Environment Programme on 25 May 1989.

² This includes, for example, issues related to process safety and accident prevention, preparedness and response at fixed installations. International guidance materials have been prepared to address many of these subjects. References to a selection of these guidance materials have been included in the attached bibliography.

existing initiatives and programmes developed and being implemented by the private sector parties. For the development of the code, the International Code of Conduct on the Distribution and Use of Pesticides of the Food and Agriculture Organization of the United Nations (FAO) was also fully taken into account.

9. The code is designed to be consistent with and complementary to existing instruments developed by United Nations agencies, including those under UNEP, FAO, the International Labour Organisation (ILO), the World Health Organization (WHO) and other intergovernmental organizations such as the Organisation for Economic Co-operation and Development (OECD), avoiding any duplication.

10. This code should not be interpreted to preclude private sector parties taking additional actions with respect to protection of health, safety and environment, nor should the code have the effect of replacing existing voluntary codes. Private sector parties should be encouraged to implement this code in a manner consistent with other health, safety and environmental initiatives and to go beyond what is stated in the code.

11. The adoption of the code is a voluntary action of the private sector parties³. It is not intended that the approval of the Government is required for adopting the code by the private sector parties.

12. This code should not be used by Governments or intergovernmental organizations to sustain or create tariff or non-tariff barriers to trade in chemicals.

³ In a country where the government owns or has interest in chemical industry, "industry" and "private sector parties" may be read "enterprises".

PART I. GENERAL PROVISIONS

I. OBJECTIVE

1. The objective of this code is to set forth principles and guidance for private sector parties, governing standards of conduct in the production and management of chemicals in international trade, taking into account their entire life cycle, with the purpose of reducing risks to human health and the environment which might be posed by such chemicals.

II. DEFINITIONS⁴

2. For purposes of the code:

(a) "Banned chemical" means a chemical which has, for health or environmental reasons, been prohibited for all uses by final governmental regulatory action;

(b) "Severely restricted chemical" means a chemical for which , for health or environmental reasons, virtually all uses have been prohibited nationally by final government regulatory action, but for which certain specific uses remain authorized;

(c) "Hazardous chemical" means a chemical which represents a threat to human or animal health or to the environment.

(d) "Private sector parties" means industry, workers and their representatives, environmental and consumer groups and other non-governmental organizations, and the public.

(e) "Industry" means all segments involved in production and management of chemicals, taking into account their entire life cycle, including producers, formulators, importers and exporters, traders, and transporters.⁵

(f) "International trade in chemicals" means export or import of chemicals.

(g) "Export" and "import" mean, in their respective connotations, the movement of a chemical from one State to another State, but exclude mere transit operations.

(h) "Management" means the handling, supply transport, storage, treatment, application or other use of a chemical subsequent to its initial manufacture or formulation.

⁴ Definitions of "banned chemical", "severely restricted chemical", "international trade", "export", "import", "management", "prior informed consent", "prior informed consent procedure" are identical to those in the amended London Guidelines.

⁵ Where appropriate, some sections refer specifically to particular segments of the industry, for example chemical producers and formulators. In those countries in which some or all sectors of industry are owned and/or operated by government offices, it is expected that the parts of the code directed to industry would apply to the government agencies to the extent they are responsible for the relevant industrial activity.

(i) "Prior informed consent" (PIC) refers to the principle that international shipment of a chemical that is banned or severely restricted in order to protect human health and the environment should not proceed without the agreement, where such agreement exists, or contrary to the decision of, the designated national authority in the importing country. For the purpose of this code, "designated national authority" means a national government authority designated for purposes of information exchange and the prior informed consent procedure being carried out by UNEP and FAO.

(j) "Prior informed consent procedure" (PIC procedure) means the procedure for formally obtaining and disseminating the decisions of importing countries as to whether they wish to receive future shipments of chemicals which have been banned or severely restricted, being carried out by UNEP and FAO.

(k) "PIC decision" means a decision by a importing country of a chemical subject to the PIC procedure with respect to the future import of chemicals.

*III. EXEMPTIONS*⁶

3. The code should not apply to:

- (a) Pharmaceuticals, including narcotics, drugs and psychotropic substances;
- (b) Radioactive materials;
- (c) Chemicals imported for the purpose of research or analysis in quantities not likely to affect the environment or human health;
- (d) Chemicals imported as personal or household effects, in quantities reasonable for these uses;
- (e) Food additives.

⁶ The exemptions are identical to those set out in guideline 3 of the amended London Guidelines.

***IV. THE COMMITMENT TO IMPROVED HEALTH, SAFETY AND ENVIRONMENTAL
PROTECTION RELATED TO THE INTERNATIONAL TRADE
IN CHEMICALS***

4. Private sector parties involved in the international trade in chemicals should make a commitment to undertake self-regulatory measures to meet the standards of conduct set out in the principles and guidance contained in Part II below in order to ensure the safe production and management of chemicals in domestic and international trade, taking into account their entire life cycle.
5. Private sector parties should recognize in the commitment their shared responsibility, along with the governments of chemical exporting and importing countries, for the protection of human health and the environment. In particular, business and industry should recognize their responsibility for fully participating in the implementation and evaluation of activities related to Agenda 21⁷.
6. The private sector parties that have already entered into the commitment under "Responsible Care" or a similar instrument consistent with this code, such as the FAO Code of Conduct, are encouraged to make a declaration, expressing that existing commitments are consistent with this code. The parties that have not made commitment under "Responsible Care" or a similar instrument should demonstrate their commitment by making an appropriate declaration in a written statement and publish such declaration.
7. Private sector parties making such written declaration should notify UNEP of their respective decisions to enter into commitment to meet the standards of conduct set out in the principles and guidance contained in the code.
8. The parties that have made such written declaration under paragraph 5 and entered into voluntary commitment under the code should initiate necessary action to meet the standards of conduct set out in the principles and guidance below within 180 days after the commitment is notified to UNEP.
9. The commitment by the private sector parties should include the following elements:
 - (a) Increase chemical safety and enhance the sound production and management of chemicals, taking into account their entire life cycle, in all countries by providing government authorities and relevant private sector parties with relevant information on chemicals in domestic and international trade.
 - (b) Comply with the PIC procedure being carried out by UNEP and FAO to the extent applicable to private sector parties.
10. Enterprises/companies involved in the production or management of chemicals in domestic and international trade, taking into account their entire life cycle, should demonstrate this commitment at all levels of their enterprises/companies, starting with the highest level of management. This commitment should be communicated throughout the enterprises/companies.

⁷ Agenda 21, chapter 30, paragraph 1.

PART II. GENERAL PRINCIPLES AND
GUIDANCE FOR THE IMPLEMENTATION OF THE GENERAL PRINCIPLES

I. GENERAL PRINCIPLES

11. Having agreed to take appropriate actions to protect human health and the environment from adverse effects from the production and management of chemicals in international trade, taking into account their entire life cycle, and to promote chemical safety, private sector parties should:

- (a) Act in accordance with the guidance set out in this code, and develop the means for applying the guidance in a manner appropriate to local circumstances;
- (b) Allocate the resources necessary for the application of the guidance to their own activities;
- (c) Enhance co-operation among private sector parties as well as with government agencies and relevant international organizations for the promotion the code;
- (d) Cooperate with local community to address problems related to chemicals in international trade and solving such problems, including the provision of relevant information.

12. Enterprises/companies involved in the international trade in chemicals, such as producers, formulators, transporters, traders including exporters and importers, should:

- (a) Develop management systems to enable the proper production and management of chemicals, taking into account their entire life cycle;
- (b) To the extent practicable, evaluate and do business with suppliers, contract manufacturers, transporters, traders and professional users who meet applicable safety, health and environmental criteria.

13. Private sector parties should promote the application of the guidance set out in the code by:

- (a) Establishing the means for sharing experience with various private sector parties, including those parties in different countries or regions, and, as appropriate, with relevant government authorities, concerning measures taken in accordance with the code;
- (b) Offering assistance to others who produce and manage chemicals, taking into account their entire life cycle.

14. Private sector parties should work with government authorities responsible for health and environmental protection from harmful effect of chemicals in international trade, including customs

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